Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	Application Number	10/617,992
TRANSMITTAL	Filing Date	July 11, 2003
FORM	First Named Inventor	Kyle B. Cole
ed for all correspondence after initial filing)	Art Unit	1645
	Examiner Name	Unknown

Total Number of Pages in This Submission Attorney Docket Number 3507.1 ENCLOSURES (check all that apply) After Allowance Communication to Fee Transmittal Form □ Drawing(s) Group Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Petition Appeal Communication to Group Amendment / Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Terminal Disclaimer Other Enclosure(s) □ Extension of Time Request (please identify below): -Substitute for form 1449 (1 Request for Refund Express Abandonment Request CD, Number of CD(s) -Copy of Search Report (3 pages);. Information Disclosure Statement -2 References; and -Return postcard. Certified Copy of Priority Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Thomas E. Malone Reg. 40,078 Individual name Signature Date **CERTIFICATE OF MAILING** 

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Leticia R. Block

(to be us

Signature (ofter P. Block

Date 02-12-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kyle B. Cole et al.

Serial No: 10/617,992

Filing Date: July 11, 2003

Title: Nucleic Acid Labeling Methods

Examiner:

**TBD** 

Group Art Unit:

1645

INFORMATION DISCLOSURE

**STATEMENT** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## Dear Sir:

Pursuant to 37 CFR § 1.56, § 1.97 and § 1.98, the documents listed on the accompanying U.S. Patent & Trademark Office's Modified Form-1449 are called to the attention of the Examiner for consideration in connection with the above-identified patent application. The documents were first cited in the corresponding PCT Application PCT/US03/22035, on January 14, 2004. A copy of the search report and a copy of each cited reference are enclosed herewith.

Citation of these documents shall not be construed as (1) an admission that the documents are necessarily prior art with respect to the instant invention; (2) a representation that a search has been made; or (3) an admission that the information cited herein is, or is considered to be, material to patentability in any way, including that as defined in § 1.56(b).

Applicants believe that <u>no fee is required</u> for submission of this statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Account No. 01-0431 in order to have this Information Disclosure Statement considered.

Dated: 2/11/04

Respectfully submitted,

Customer No. 22886
Legal Department
Affymetrix, Inc.
3380 Central Expressway

Santa Clara, CA 95051

Tel: (408) 731-5000/Fax (408) 731-5392

Thomas E. Malone Reg. No. 40,078

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

TRADE Note for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known			
Application Number	10/617,992		
Filing Date	July 11, 2003		
First Named Inventor	Kyle B. Cole		
Art Unit	1645		
Examiner Name	Unknown		
Attorney Docket Number	3507.1		

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-6,344,316	02/05/2002	Lockhart	
		US- 5,241,060	08/31/1993	Engelhardt	
		US-			
	1	US-			
		US-			
		US-			
		US-	-		
		US-			•
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,		
Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
						•
				<u> </u>		

Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Applicant is to place a check mark here if English language

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.